



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

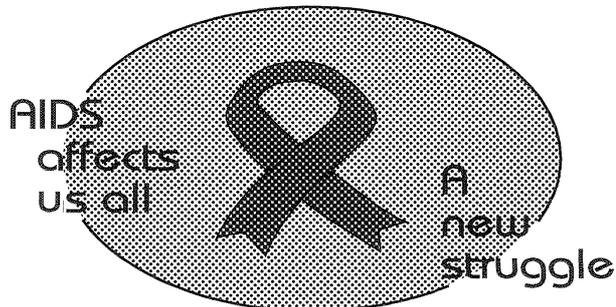
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(Extraordinary)

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## **PROVINCIAL NOTICE**

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No. 10

**Cogta**

**Department of Cooperative Governance and  
Traditional Affairs**

**White Paper on Customary Male Initiation Practice in  
the Eastern Cape Province**

**January 2015**

**Issued by the Member of the Executive Council responsible  
for Cooperative Governance and Traditional Affairs**

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<u>TERM</u>	<u>DEFINITION</u>
<u>“Circumcision”</u>	<u>male circumcision is the surgical removal of the foreskin, by a medical practitioner or a traditional surgeon as part of a customary male initiation process. In terms of the African custom, the customary practice of male circumcision does not happen outside of male initiation practice</u>
<u>“Constitution”</u>	<u>means the Constitution of the Republic of South Africa Act 108 of 1996</u>
<u>“Customary practice”</u>	<u>include a practice according to the custom, religion or any other rules of similar nature</u>
<u>“Designated medical officer”</u>	<u>means a medical practitioner in the service of Provincial Department of Health</u>
<u>“Legal guardian”</u>	<u>means a parent or other person who has guardianship of a child</u>
<u>“Initiate”</u>	<u>means a person who undergoes initiation at a traditional initiation school</u>
<u>“Initiation school”</u>	<u>means a place where one or more initiates are treated</u>
<u>“Medical officer”</u>	<u>means an officer designated</u>
<u>“Initiation”</u>	<u>means a rite of passage marking entrance or acceptance into a group or society. It could also be a formal admission to adulthood in a community or one of its formal components</u>
<u>“Medical practitioner”</u>	<u>means a person registered or deemed to be registered as a medical practitioner under the Health Professional Act, 1974 (Act 56 of 1975) and include a dentist so registered or deemed to be registered</u>
<u>“Permission”</u>	<u>means permission in the form of a document</u>
<u>“Prescribed”</u>	<u>means prescribed by regulations</u>

<b><u>“Province”</u></b>	<b><u>means the Province of the Eastern Cape established by section 103 of the Constitution of the Republic of South Africa Act, 1996, (Act, No. 108 of 1996)</u></b>
<b><u>“Traditional leader”</u></b>	<b><u>means any person who, in terms of customary law of a traditional community concerned, holds a traditional leadership position, and is recognised as such in terms of Traditional Leadership and Governance Framework Act (Act, No. 41 of 2003) as amended, and the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act, No. 4 of 2005)</u></b>
<b><u>“Traditional leadership”</u></b>	<b><u>means the institution or structure established in terms of customary law or customs, or customary system</u></b>
<b><u>“Traditional nurse”</u></b>	<b><u>means a person who looks after the initiates at an initiation school</u></b>
<b><u>“Traditional surgeon”</u></b>	<b><u>means a person who has been culturally trained with experience in performing circumcision in the traditional male initiation and registered with relevant authorities (e.g. traditional leadership) in accordance with the prescribed manner.</u></b>

## CHAPTER 1

### 1.1 Background

In South Africa male initiation is as old as the origins of African communities practiced by several tribes. Initiation schools are regarded as cultural educational institutions where initiates are taught about customary values and conduct and are protected by the Constitution.

However, in some of the Provinces in South Africa without the exception of the Eastern Cape Province, traditional male initiation has become the focus government and media over the past few years as a result of unacceptably large number of initiates being severely injured or dying as a result of customary practices related to male initiation.

Over the past 20 years scores of young initiates have lost their lives and suffered penal amputations. Approximately over 1200 deaths as a result of mal-practises in this custom have been reported since 1994. The Department of Health has reported that some initiates have committed suicide as a result of suffering penile amputations.

The Eastern Cape Government through the Department of Health and SAPS conducted rescue missions since 1995 in effort to manage this problem. Furthermore the Department of Health enacted a Circumcision Act no 5 of 2001 to regulate circumcision and curb initiate death and injuries.

As custodians of culture and tradition, traditional leaders through the Eastern Cape House of Traditional Leaders developed with its partners a monitoring and intervention strategy in 2010 to intensify the intervention initiatives.

After all these efforts the problems are still persistent. Deaths and amputations continue, bogus traditional surgeons continue to practise, torture, as well as abductions of underage children without the consent of their parents and perpetrators go unpunished.

### 1.2. Introduction

In 2013 the Department of Cooperative Governance and Traditional Affairs commissioned a research study on the customary practice of male initiation in the Eastern Cape which was widely canvassed among relevant stakeholders. Among stakeholders who participated in the research is the Limpopo House of Traditional Leaders. Key among the research findings are the following:

- (a) Gaps in the provincial legislation that regulates male initiation.
- (b) The absence of a legislation that talk directly to customary practises of male initiation

This white paper seeks to respond to the legislative gaps and introduce a legislation that will regulate customary practises on male initiation in the Eastern Cape Province.

### 1.3. Objectives of the White Paper

The central objective of this white paper is to set out a framework that will inform legislation intended to:

- (a) Regulate the customary practice of male initiation in the Eastern Cape Province;
- (b) Identify main role players in ensuring the proper setting and running of initiation schools and monitoring their functionality
- (c) Re-affirm the roles and responsibilities of Traditional Leaders in the restoration of dignity on the customary practices of traditional male initiation and their accountability thereof;
- (d) To ensure that traditional leaders takes a primary responsibility in enforcing compliance with traditional values in line with objects of the customary law and of the Bill of Rights;
- (e) To ensure accountability by traditional leaders for traditional male initiation and activities that takes place in the initiation schools;
- (f) To establish relations between various stakeholders such as traditional leaders and government in monitoring the proper functioning of initiation schools;
- (g) Restore the dignity, integrity and legitimacy of the traditional male initiation as the ritual rite of passage;

## CHAPTER 2

### 2. Guiding Principles

**Restoration of dignity:** all stakeholders and role players including but not limited to traditional leadership, government, media, stakeholders and members of the public, when dealing with the customary practices of male initiation must find appropriate means of preserving the dignity and respect for the practice.

**Consent:** Parents and Legal guardians who are responsible for providing consent for the circumcision and admission of prospective initiate into a traditional male initiation school must be given sufficient information with regard to a traditional surgeon who will perform circumcision, nurse/s and all people/stakeholders involved in the initiation process in order to determine what is in the best interests of the child/prospective initiate.

**Ensure the safety of the initiate:** Safe traditional male circumcision shall be provided in accordance with the applicable health standards and human rights principles to ensure that, informed consent, confidentiality and absence of coercion is at all times promoted and maintained.

**Increase dialogue and understanding:** Initiating dialogue around the practice of traditional male circumcision in an inclusive way, through joint meetings with all stakeholders and members of the communities to build trust and establish relations among all stakeholders involved on the initiation programme.

**Correct communication and messages on traditional male circumcision:** Communication strategies on traditional male initiation must ensure that clear and consistent messages are disseminated and that male circumcision is promoted within the context of traditional male initiation practices and as such messages must be carefully tailored and culturally sensitive.

## **CHAPTER 3**

### **3. SCOPE OF APPLICABILITY**

This White Paper shall apply to all **Traditional Leaders, Members of Traditional Leadership Institutions and members of the communities in the Eastern Cape Province.**

#### **3.1 CUSTOMARY PRACTICES OF TRADITIONAL MALE INITIATION**

The customary law in South Africa gives everyone the right to practice and enjoys custom of his or her choice. Most tribes/traditional communities in South Africa are commonly known for their historic practices of male initiation schools. The initiation schools are meant among others to educate young male of their cultural values and conduct. This literally means that the main purpose of initiation schools is to teach males at a younger age the values of a good leader of the family and that of a community in their respective future life.

The customary practices of male initiation include among others, circumcision, teaching about culture and tradition, and the performance of many secret and sacred religious rituals.

It can therefore be concluded that, customary practice of traditional male initiation is the only possible way for an African boy child to enter into manhood and gaining the status of a real man. However, it is worth mentioning that the practice of male initiation is not primarily aimed on transforming boys into a responsible man in their respective communities, but rather a cornerstone for the continuation of, dignity and respect for identity, values and heritage of communities.

##### **3.1.1 The importance of Traditional Male Initiation as a rite of passage**

There can never be a doubt that traditional male initiation among various societies in the Eastern Cape Province plays a very significance role in terms of symbolising a transition in the life of the people. Culturally, traditional male initiation represents the beginning of new period filled with responsibilities and expectations. Hence it is regarded as a transitional rite of passage from boyhood to manhood, conferring on the individual the right to participate in the decision-making processes of the clan and that of the family, to share in the privileges duties and responsibilities of the community and, in other instances, to be able to take a wife and raise a family. It is regarded as the only ritual through which the idea of maleness to boys can be promoted and encouraged. This is manifested by the hardship the initiates endure in the initiation schools.

##### **3.1.2 Male Circumcision**

Male Circumcision is one of the oldest and commonest surgical procedures and has been practiced worldwide for among others, religious, cultural, social and medical purposes. Male circumcision is the surgical removal of the foreskin, by a medical practitioner or traditional surgeon (*iingcibi*) as part of a customary male initiation process. In African perspective, customary male circumcision is a secretive and sacred ritual and as such, it is performed within the traditional male initiation practices. Furthermore, circumcision as a cultural practice plays a prominent role in

terms of instilling the virtues of discipline, courage, endurance and resilience in initiates.

Furthermore, male circumcision is used as a preventive measure of the spread of HIV and Aids by reducing the risk of infection particularly amongst males. However, male circumcision should never be used as the only deterrent of HIV and AIDS or replace other known methods of HIV prevention, but rather be considered as part of a comprehensive HIV prevention package.

## CHAPTER 4

### 4. TRADITIONAL MALE INITIATION AND GOVERNANCE

In South Africa the practice of traditional male initiation is governed by various legislation and policies. It is worth mentioning that, some of those policies and legislation form part of the comprehensive legal framework of the country whereas others are basically efforts on the part of the government to address the challenges and concerns that have arisen in the past few years in relation to escalating number of death, hospitalisation and imputations of initiates during their admission and stay in the initiation schools. It is on the basis of the above background that, the Department in its endeavours to institutionalise *isiko lwaluko* by putting in place structures/systems to ensure that initiation practices are much safer and add value to the cultural lives of the people of the Eastern Cape Province.

#### 4.1 Establishment of a Provincial Initiation Coordinating Committee

The Provincial Initiation Coordinating Committee must be established at the Provincial level and be chaired by the Chairperson of the House or by any designated member of the Provincial House of Traditional Leaders. Other members of the PICC shall be;

- (i) **Representatives of the relevant Departments (MECs Offices) e.g. Office of the Premier, Cooperative Governance & Traditional Affairs, Health, Arts & Culture, Education, Social Development, Safety & Security (NIA/SAPS);**
- (ii) **Representatives of Kingdoms/King's Councils;**
- (iii) **SALGA;**
- (iv) **Other members of the House.**

The PICC shall perform but not limited to the following functions;

- (a) Develop a Provincial Initiation plan/monitoring and evaluation framework for both winter and summer seasons.
- (b) Mobilise resources both human and capital from all stakeholders involved in the initiation programme and potential donors or funders/sponsors.
- (c) Develop communication strategy for all stakeholders involved in the Initiation programme.
- (d) Conduct media conference briefing and make media statement on the weekly basis on the initiation programme.
- (e) Facilitate Pre-Initiation School workshops to be attended by prospective traditional surgeons, traditional nurses, members of district forums,

stakeholders (e.g. Department of Health, Education, SAPS, and Social Development) e.t.c.

- (f) Conduct an overview monitoring/inspection of all Initiation Schools staged/opened around the Province.
- (g) Provide advice to all members of District Initiation Forums, Initiation Schools on any matter relating to initiation.
- (h) Develop and adopt a Code of Conduct for person/s or stakeholders involved in the initiation programme to address all issues of misconduct including disciplinary procedures.
- (i) Provide strategic intervention in the reported cases of violence and abuse at an initiation school.
- (j) Approve the closing of all illegal schools in consultation with affected Traditional Leader, district/initiation working forum and relevant stakeholders and ensure that affected initiates are taken to the rescue centres.
- (k) Conduct post initiation schools conference to review the manner in which Initiation Schools were conducted during a given season and address any shortcomings thereof.
- (l) Compile a Provincial/final report on Initiation programme.
- (m) Keep records of all reports on initiation programmes in the Province

#### 4.2 Provincial Technical Task Team

The Provincial Technical Task Team must be chaired by the **Secretary of the Provincial House** and be constituted as follows;

- (i) **HODs of all relevant Departments as mentioned above or by any designated officers at the level of General Manager or Director;**
  - (ii) **Relevant NGO's e.g. CODEFSA.**
- (a) Provide secretariat and general support to the Provincial Initiation Coordinating Committee.
  - (b) Facilitate and coordinate the establishment of district initiation forums in all districts municipalities within the Province and ensure their fully participation in the initiation programme.
  - (c) Deployment of traditional leaders (members of the Provincial House) and officials from all sector departments involved in monitoring programme of male initiation.
  - (d) Facilitate and coordinate logistical arrangements for monitoring teams in respect of accommodation, transport, food parcels, protective cloths and the distribution of packages/documents etc.
  - (e) Manage the distribution of resources to members of the monitoring teams and district/initiation working forums.
  - (f) Conduct pre-initiation assessment to determine the state of readiness by all sector departments involved on the monitoring of initiation programme.
  - (g) Facilitate and coordinate meetings of district initiation forums.
  - (h) Facilitate and coordinate the distribution of resources to members of the district initiation forums.
  - (i) Determine the redeployment of resources (e.g. vehicles or personnel) to areas where they are needed most or where there are challenges in consultation with the affected district initiation forum.
  - (j) Compile weekly reports on initiation programme and report to the Provincial Initiation Coordinating Committee any shortcomings/challenges with recommendations.

- (k) Facilitate and coordinate initiation review sessions to consolidate reports from District Initiation Forums.
- (l) Facilitate and coordinate initiation review session for the presentation of reports by district initiation forums and consolidate the same.
- (m) Compile a report for submission to the Provincial Initiation Coordinating Committee on initiation programme.

#### 4.3 District Initiation Forums

District Initiation Forums must be established at the district level (district municipality level) and composed of;

- (a) All senior traditional leaders within the jurisdiction of District Municipality and or Metropolitan Municipality.
- (b) Representative from the office of the Speaker, Mayor & Municipal Manager of both district and local municipality; Representative of the Kingdom;
- (c) Representative from Department of Health, Social Development, Arts & Culture, Education, Cooperative Governance & Traditional Affairs, SAPS & relevant NGO's.

#### 4.4 Local Initiation Forums

Local Initiation forums must be established on local municipality level and composed of;

- (i) All traditional leaders within the jurisdiction of a traditional community;
- (ii) Representative from the office of the Speaker, Mayor & Municipal Manager of local municipality;
- (iii) Representative from Department of Health, Social Development, Arts & Culture, Education, Cooperative Governance & Traditional Affairs, SAPS & relevant NGO's.

The functions of a Local initiation forum are:

- (a) facilitate the establishment of local initiation working committees within the jurisdiction of a traditional council or ward;
- (b) receive and consider all applications for initiation schools within the jurisdiction, decline and issue permit for holding initiation school;
- (c) raise community awareness about the work of syndicates who abduct young boys to make huge profits at the expense of their life, health and safety;
- (d) ensure and foster cooperation between traditional leaders and members of initiation working committees within local municipality
- (e) consolidate applications for admission into the initiation school as received by traditional councils to determine the expected number of initiates within the district to guide the allocation and distribution of resources and intervention;
- (f) ensure that all prospective initiates undergo thorough medical examination and are issued with necessary medical certificate at least two weeks before admitted in the initiation schools;
- (g) monitor and evaluate the general functioning of the initiation schools within the jurisdictional area of a local municipality from which they operate;
- (h) develop communication strategy;

- (i) ensure that initiates are properly taken care of at all times, by providing advice and expertise to *amakhakhatha*;
- (j) conduct training to principals, traditional surgeons, *amakhankatha* on the educational principles of initiation;
- (k) recommend to the traditional leader concerned, whether an initiation school comply with all health and safety requirements before declaring it opened;
- (l) recommend the closing of all illegal initiation schools to the PICC in consultation with parents and traditional leader concerned; and
- (m) compile a report and submit it to the Provincial Technical Task Team for consolidation on initiation programme.

#### 4.5 Traditional Council and Ward Based Initiation Forums

Functions of the Traditional Council and Ward based initiation forums shall include among others:

- (a) All traditional leaders within a traditional community, traditional council members and the municipal ward committees within the jurisdiction of a municipal ward.
- (b) Representative from the office of the Speaker, Mayor & Municipal Manager of local municipality;
- (c) Representative from Department of Health, Social Development, Arts & Culture, Education, Cooperative Governance & Traditional Affairs, SAPS & relevant NGO's.
- (d) Facilitate the establishment of local initiation working committees (traditional councils/ward) level.
- (e) Receive and consider all applications for initiation schools within the jurisdiction, decline and/or issue permit for holding initiation school.
- (f) Raise community awareness about the work of syndicates who abduct young boys to make huge profits at the expense of their life, health and safety.
- (g) Ensure and foster cooperation between traditional leaders and members of initiation working committees within district.
- (h) Conduct workshops to members of the local initiation working committees and advice them on any matter relating to male initiation.
- (i) Consolidate applications for admission into the initiation school as received by traditional councils to determine the expected number of initiates within the district to guide the allocation/distribution of resources and intervention.
- (j) Ensure that all prospective initiates undergo thorough medical examination and are issued with necessary medical certificate at least two weeks before admitted in the Initiation Schools.
- (k) Monitor and evaluate the general functioning of the initiation schools within the jurisdictional area of a district from which they operate.
- (l) Develop communication strategy.
- (m) Ensure that initiates are properly taken care of at all times by providing advice and expertise to *amakhankatha* (traditional nurses).
- (n) Conduct training to principals, traditional surgeons, *amakhankatha* (traditional nurses) on the educational principles of initiation.
- (o) Recommend to the traditional leaders (initiation working committee) concerned whether the initiation schools comply with all the health and safety requirements before declaring them opened.
- (p) Recommend the closing of all illegal initiation schools to the Provincial Initiation Coordinating Committee in consultation with the parents and traditional leader (working committee) of the affected traditional community.

- (q) Compile report for submission to the technical task team on initiation process/programme within the jurisdiction of district.
- (r) Develop and adopt a code of conduct for all involved in initiation within the area of jurisdiction of concerned district.

#### **4.6 Holding an Initiation School**

The primary responsibility for holding an initiation school remains with the Traditional Leadership within the area of jurisdiction wherein an initiation school is to be conducted. In areas where there is no traditional leadership institution, the principal of the school shall have duly responsibility of conducting initiation school.

**Where practical feasible, initiation school must be hold in one central venue/place within the jurisdiction of an administrative area to ensure easy accessibility by role players whilst providing the necessary support and resources.**

In instances where an initiation school is to be located outside the traditional community's area of jurisdiction, such as on either privately-owned or state land, the traditional surgeon who intends to conduct initiation must, obtain a written approval from the Provincial Initiation Coordinating Committee and subsequently seek a written approval from;

- (a) the owner or legal occupier of such privately-owned land/communal land; or
- (b) the relevant organ of state (e.g. Municipality or the Provincial Government) in whose area of jurisdiction such state land falls.

## **CHAPTER 5**

### **5. Roles and Powers of Customary Structures in Traditional Male Initiation**

#### **5.1 Kingdom/King's Council**

- (a) Ensure that all traditional leaders (traditional leadership) within the jurisdiction of a Kingdom plays their customary roles during the initiation seasons.
- (b) Determine appropriate season for holding and conducting initiation schools within the jurisdiction of the Kingdom as informed by the material conditions.
- (c) Make sure that all traditional leaders are accountable for initiation programme within their area of jurisdiction.
- (d) Conduct awareness and campaigns with traditional leaders on traditional male initiation and inculcate traditional leaders to do the same in their respective traditional communities.
- (e) Receive and approve applications for holding initiation school within the jurisdictional area of a kingdom as submitted by respective traditional councils.
- (f) Ensure accountability by traditional leaders for any illegal schools opened and operated by illegal *iingcibi* within their area of jurisdiction.
- (g) Determine in consultation with traditional leaders maximum fees to be charged by traditional surgeons (*iingcibi*) per initiate for performing traditional circumcision.

- (h) Where Kingdom has found out that Traditional Leaders has transgressed on their responsibilities, Kingdom will impose penalty/fine as per applicable custom.

## 5.2 The role of a family/parents/legal guardian of an initiate

- (a) The family of the prospective initiate/s plays a critical role prior, during and after the initiation school. The family (the father or any older male person) must among others;
- (b) Discuss with prospective initiate/s about them being old enough to undergo initiation and what should be done and expected of them before admission in the initiation school (e.g. rituals).
- (c) Apply with the traditional leadership concerned admission of prospective initiate/s at least a month before initiation season.
- (d) Ensure that the child or prospective initiate is psychologically and physically fit to undergo an initiation school.
- (e) Ensure that a prospective initiate undergo a thorough medical pre-examination done by a qualified medical practitioner to determine and acquires a medical certificate of fitness to undergo initiation.
- (f) **Register the prospective initiate/s with the traditional leadership concerned (traditional council) by providing valid documentation of the prospective initiate/s (e.g. green bar-coded South African ID).**
- (g) Satisfy themselves that the person holding/conducting the initiation, traditional Surgeon/healer or principal or any other person authorised by the traditional leader/*inkosi*, has a good track record and is registered with the traditional leadership within the area.
- (h) Designate a person who will be responsible for looking after the initiate/s for the entire initiation process.
- (i) Ensure that the academic part of the child is not affected as a result of the child attending an initiation school.
- (j) Ensure that the initiates are taught custom and customary law that are in line with the values of the family and that of the community.
- (k) Ensure that they receive daily health reports about the condition of the child from the designated traditional nurse.
- (l) Report any abduction to the relevant authority (e.g. traditional leadership & SAPS) and cooperate during the investigation on abduction.

**In cases where prospective initiate/s are to undergo initiation school outside the area of jurisdiction of their residence (traditional community), the parents/legal guardian must inform the traditional leadership concern and register prospective initiate/s with traditional leadership wherein initiates are to be admitted.**

## 5.3 Traditional Leadership/*inkosi* (Traditional Councils)

- (i) A traditional leader/*inkosi* is the custodian of all issues related to his or her community's life, tradition, culture and practice and as such he or she plays a significant role in the holding of *ulwaluko* (male initiation). Such roles and powers include but not limited to the following;-
  - (a) Ensure the protection of the customary practice of male initiation with his or her area jurisdiction.

- (b) Receive and consider applications for admission by parents/legal guardian of prospective initiates in order to be certain of the exact number of initiates to be admitted into the initiation school within jurisdiction of a traditional council.
- (c) Calling for initiation schools within his or her jurisdiction and declaring them open.
- (d) Identify and allocate site or land in which an initiation school is to be conducted.
- (e) Ensure that initiation working forums are established in all administrative areas under his or her jurisdiction.
- (f) Conduct awareness/campaigns on traditional male initiation with community member (including prospective initiates) in all administrative areas within his/her jurisdiction before the start of an initiation season.
- (g) Overseeing the setting up and running of initiation schools in order to ensure that, the overall conduct and management of initiation practices are in line with the applicable custom, customary law and relevant applicable policies and legislations.
- (h) Appointing the traditional healers and entrusting them with responsibilities attached to initiation.
- (i) Screen principals, traditional surgeons (*iingcibi*) and care givers/traditional nurses (*amakhankatha*) before they are allowed to take part in the initiation processes.
- (j) Ensuring that all the necessary documentation and preliminary requirements (e.g. parental consent, availability of resources, health fitness of initiates) are satisfied before an initiation school can be declared open.
- (k) Thoroughly verify the authentic/validity of documentations of the prospective initiate/s (e.g. completed consent forms and ID) before registering them with traditional leadership and approving admission of the prospective initiate into initiation school.
- (l) Make sure that all relevant signatories have appended their signatures on the required documentations/forms as presented or submitted before approving them.
- (m) Ensure that traditional huts (*amabhoma*) are built properly for the safety of the initiates.
- (n) Where practical possible, a traditional leaders or any delegated member of the initiation working forum must be present when the traditional surgeon performs circumcision to a prospective initiates to ensure that both the surgeon and prospective initiate never consumed alcohol before the ceremony.
- (o) Delegate responsibilities to other members of the traditional council in terms of applicable customary law and practice.
- (p) Ensure that drugs and alcohol are not allowed or given to traditional nurses and initiates at the initiation school.
- (q) Ensure that all activities taking place at an initiation school are within the confines of the Constitution of the Republic.
- (r) Ensure cooperation between traditional leadership and other stakeholders involved in the holding of initiation (e.g. Department of Health, Education, Social Development, Home Affairs, South African Police Services and Municipalities).
- (s) Develop by-laws within of his/her area of jurisdiction in line with the National and Provincial legislation/policies governing initiation and in consultation with community members to among others, regulate the standard fees to be charged per each initiate and code of conduct for managing the internal conduct of all participants and ensure compliance thereof.
- (t) Conduct regular inspection, monitoring and reporting.
- (u) Raise awareness to community members on policies, legislation and programmes of Government.
- (v) Compile a report at the end of each initiation season and make it available to the relevant authority whenever required.

**Impose sanction/s to any person/s that contravene or violate agreed by-law that governs initiation practice within the affected traditional community in terms of the applicable customary practice.**

#### **5.4 Traditional Surgeon (*iingcibi*)**

- (a) A traditional surgeon/*iingcibi* is a person who performs traditional circumcision on the initiates and should be someone who is disciplined and respected by members of the community in performing the procedure.
- (b) **A traditional surgeon must register with the traditional leadership and the office of a designated health officer (Department of Health) within the area of jurisdiction wherein an initiation school is to be conducted and obtain a written permission from relevant authority in terms of applicable legislations.**
- (c) **A traditional surgeon is entrusted to perform but not limited to the following functions;**
  - (i) **Register with the traditional leadership (traditional council) of the area of jurisdiction in which an initiation school is to be opened.**
  - (ii) **Obtain permission from both traditional leadership and designated medical officer respectively within the area of jurisdiction to conduct/hold initiation school.**
- (d) Ensure that initiates are registered with traditional leadership before performing circumcision.
- (e) Make sure that have pre-medical examination certificates and consent form duly completed and signed by their parents or legal guardian.
- (f) Ensure that all health standards as prescribed have been satisfied before performing circumcision on the initiates.
- (g) Provide guidance to traditional nurses on how to look after the initiates.  
**Where practical possible, daily monitor initiates and *amakhankatha* and report their health status to the relevant Traditional Leadership and parents.**

**NB: A traditional surgeon must be someone with a trusted experience in performing traditional circumcision with a traceable history of belonging to the family whereby skills for performing the traditional circumcision ceremony is handed down from one generation to other generation.**

#### **5.5 Traditional nurse (*ikhankatha*)**

A traditional nurse must be a person of integrity and one who is respected by the community.

It is the responsibility of the family/parents/legal guardian to identify a suitable person in consultation with the traditional leadership (initiation working committee).

In areas where there are no traditional leadership. Identification must be done in consultation with the Provincial Initiation Coordinating Committee.

**A traditional nurse must perform but not limited to the following duties;-**

- (a) Obtain permission from the relevant Traditional Leadership and designated medical practitioner respectively to nurse initiates in the initiation school.
- (b) Look after the initiates immediately after being circumcised and ensuring that initiates eat, exercise, rest and abide by the instruction given.
- (c) Stay with the initiates at the initiation school 24 hours a day during their admission/stay in the initiation school to ensure that initiates display good behaviour and discipline through the initiation period.
- (d) Report any sign of illness of an initiate to the initiation working forum as soon as possible.
- (e) Cooperate at all times with members of the Initiation Working forum, Designated Medical Officer and other stakeholders involved in the initiation monitoring programme.
- (f) Teach initiates the values of a community leader and responsible citizen.
- (g) Provide feedback to the elders (males) on the progress of the initiates on the regular basis or when so required.

**NB: A traditional nurse must be a person who have been subjected to an initiation school with at least ten (10) years of being a graduate of an initiation school: Provided that such a person was subjected to an initiation school at the age of eighteen (18) years or above.**

**CHAPTER 6****6. THE ROLE OF PROVINCIAL GOVERNMENT IN CUSTOMARY MALE INITIATION****6.1 Department of Cooperative Governance and Traditional Affairs**

The Department of Cooperative Governance and Traditional Affairs shall play a leading role in the initiation programme and be responsible for but not limited to the following;-

- (a) Allocate adequate funds/budget for initiation programme for both winter and summer seasons every financial year.
- (b) Provide strategic leadership on conducting and holding initiation schools.
- (c) Support the Provincial House of Traditional Leaders by ensuring that, the PICC is well resourced accordingly and is performing its legislative mandate effectively as envisaged.
- (d) Coordinate sessions of sector Departments for the preparation and strategic planning of the initiation programme.
- (a) Assign a full time officer at the level of a Deputy-Director within the House and official in each Kingdom/Region to facilitate and coordinate initiation programme.
- (b) Facilitate meetings and sessions of all stakeholders involved in the initiation programme.
- (c) Allocate and make available officials to assist the Provincial Initiation Coordinating Committee on the logistics of the initiation programme.

- (d) Facilitate and coordinate through the office of the MEC the involvement of municipalities in the initiation programme to provide the much needed support/resources (e.g. **personnel and budget**).
- (e) Develop a reporting mechanism between all stakeholders involved the customary male Initiation.
- (f) Ensure the overall compliance with policies and legislation governing the holding of traditional male initiation (*ulwaluko*) by all participants.

## 6.2 Department of Health

- (a) Ensure that prospective initiates are thoroughly examined by a qualified medical practitioner to determine their medical fitness before they undergo initiation school.
- (b) Conduct hygienic workshop and HIV/AIDS awareness to traditional leaders, Traditional surgeon and traditional nurses.
- (c) Provide surgical tools and training on the usage of such tools.
- (d) Conduct site environmental inspection in areas where initiation schools are to be set-up.
- (e) Conduct training workshops to traditional nurses on first-aid and general health care.
- (f) Arrange mobile facilities in the appropriate distance away from the initiation schools with medications to respond to any emergency that might be required for initiates.
- (g) Recommend closure of the initiation school in consultation with a traditional leader concern if found that initiates are at health risks or any health reason which might be deemed to endanger initiates.

## 6.3 Department of Education

- (a) Develop a curriculum on customary practices (including male initiation) of various tribes/ traditional communities within the Province and designate a teacher to conduct lesson on weekly/regular basis to learners.
- (b) Determine and liaise with relevant stakeholders of the appropriate time to conduct/hold initiation school to ensure that normal academic schooling periods are not disturbed by initiation schools.
- (c) Provide platform and facilitate the conducting of awareness campaigns to learners before and after the initiation period.
- (d) Ensure that initiation period does not disturb the normal academic schooling calendar.

## 6.4 South African Police Services

- (a) Conduct safety and security awareness campaign relating to the administration of initiation schools.
- (b) Attend to abduction committed at the initiation school and ensure that perpetrators are brought before the law and prosecuted.
- (c) Monitor initiation schools on the regular basis to ensure the safety and security of the Initiates and weed criminality and deal with all reported drugs and alcohol abuse cases.

- (d) Close down all illegal schools in consultation with the traditional leadership and liaise with relevant authority or department to facilitate the arrangement of contingent measures to ensure that initiates complete initiation process.
- (e) To arrest and charge those responsible for abduction.

### 6.5 Department of Social Development

- (a) Assist poor families and homes that are in need in consultation with traditional leadership concerned, should the children who belong to those families reach the age of going to the initiation school.
- (b) Provide food parcels in consultation with traditional leaders for *abakhwetha* (initiates) while they are in initiation schools

### 6.6 National Prosecution Authority

- (a) Prosecute any person/s who contravenes any provision of the legislation governing the holding of initiation school.
- (b) Where practical possible, set-up special courts to ensure speedy processing of prosecutions and sentencing thereof to anyone who contravenes applicable legislation and polices impacting on traditional male initiation (*ulwaluko*).
- (c) Liaise with relevant authority (e.g. investigation officer/s, **SAPS**) to obtain relevant and reliable information/evidence to successfully prosecute anyone who have committed prohibited acts in terms of applicable legislation.
- (d) It should institute criminal charges and prosecute those responsible for abduction.

### 6.7 Traditional Leaders Participating in Municipal Councils (20% Members)

- (a) Initiate the development of by-law on the holding of traditional male initiation and the necessary support to be provided by the municipality during male initiation period.
- (b) Assist the municipality in the identification and allocation of appropriate land to hold initiation schools in areas where there are no traditional leadership.
- (c) Facilitate and coordinate the registration of *iingcibi*, *amakhakatha* and *abakwetha* in areas where there are no Traditional Leadership.
- (d) Facilitate and coordinate in consultation with the Provincial Initiation Coordinating Committee the establishment of ward based Initiation Working Committees (Ward level) in areas without traditional leadership.

### 6.8 Municipalities

- (a) Develop by-laws in consultation with traditional leadership institution (traditional leaders) and members of traditional communities to make provision for the allocation of necessary infrastructure and resources, **such as land, sanitation, clean drinking water, spaces or cultural centres** where initiation can be located.
- (b) Designate initiation areas in consultation with traditional leaders and traditional communities where *ulwaluko* could be set up, taking into consideration the cultural peculiarities and sensitivities of different communities about male initiation.

- (c) Establish and maintain roads to ensure accessibility of initiation schools by community members and stakeholders involved.

**Establish a standalone committee on tradition, culture and customs and ensure active participation/involvement of traditional leaders and other members of the committee by providing necessary resources.**

#### **6.9 Non-governmental Organisations (NGO's)**

- (a) Any non- governmental organisation that wishes to participate or be involved in the initiation programme must sign a memorandum of understanding (MOU) with the Eastern Cape House of Traditional Leaders and the Department of Cooperative Governance and Traditional Affairs.

## **CHAPTER 7**

### **7. CONCLUSION**

The White Paper intends to bring about the regulation of customary practice on male initiation. The intended legislation will look at the roles of parents, *iinkosi*, *iingcibi amakhankathatha*, prospective initiates, and other critical stakeholders and eliminate bogus traditional surgeons.

Furthermore the Traditional Leaders' authority will be strengthened by the legislation and this will empower them to effectively monitor and champion this custom with confidence.

This White Paper signals the way to a future where cooperative governance and accountable government in traditional authority areas will be the features which stand out for all to see. Government will promote discussions and debates aimed at ensuring better understanding of the changes being brought about this White Paper.

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